

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT))	MDL No. 1917
ANTITRUST LITIGATION)	
)	Case No. C-07-5944-SC
)	
This Order Relates To:)	ORDER REQUESTING
)	SUPPLEMENTAL SUBMISSIONS ON
)	DIFFERENT LAW APPLICABLE TO
ALL ACTIONS)	MOTIONS IN ADVANCE OF THE
)	<u>CASE STATUS CONFERENCE</u>

On August 7, 2015, the parties will meet for a case status conference. The Court is in receipt of responses in satisfaction of prior requests made by the Court at ECF Nos. 3515, 3887.

In reviewing the submissions and finalizing its preparation for the upcoming status conference, the Court is concerned about those certain still-pending motions relating to the Foreign Trade Antitrust Improvements Act ("FTAIA") which may require resolution by the Court. The Court is cognizant that there are legal issues in connection with the FTAIA that have divided appellate courts. While it is part of the Court's normal role to decide FTAIA motions for the eight cases that will remain in this judicial district for trial, the Court is also tasked with making certain pre-trial decisions on motions for cases that will be remanded elsewhere. Yet deciding these motions under the law of the Ninth Circuit -- as the Court is required to do -- could result in successful appeals

1 within other judicial districts where the relevant appellate court
2 has a contrary precedent.

3 Accordingly, the Court ORDERS the relevant parties to jointly
4 file a single table or list, sorted by case, of all pending motions
5 where the above legal concerns regarding the FTAIA apply. ECF No.
6 3920-1 includes some, but perhaps not all, of this information.
7 Include the motions' ECF Numbers, the jurisdiction to which the
8 case will be transferred, and the Circuit wherein the jurisdiction
9 sits. Parties need not list cases that will remain within this
10 judicial district, but should list other cases that will remain in
11 the Ninth Circuit upon remand. Also note any other motion that is
12 likely to encounter similar problems due to differing circuit law.

13 The Court ORDERS this information to be provided no later than
14 August 5, 2015. As the deadline is very close in time to the date
15 of this order, the Court does not require any new legal research as
16 to how various appellate courts might rule. The Court seeks to
17 minimize any hasty legal research done to produce this purely
18 informational list. That said, insofar as parties have citation
19 information already readily available and jointly agree that a
20 specific case from a relevant appellate court is binding,
21 instructive, or otherwise helpful to the Court in deciding whether
22 to decide or remand the motion, it may be included. Do not include
23 arguments.

24 This information will allow the Court to better evaluate
25 whether or not to decide the motions prior to remanding the cases.
26

27 IT IS SO ORDERED.

28 Dated: July 31, 2015



UNITED STATES DISTRICT JUDGE